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UNCLAS SECTION 01 OF 09 MANAMA 000107

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BA

SUBJECT: EMBASSY MANAMA'S INPUT FOR BAHRAIN TIP REPORT

REF: A. 08 STATE 132759

[1](#)B. STATE 5577

[1](#)C. MANAMA 84

[1](#)D. 08 MANAMA 777

[1](#)1. (SBU) Summary: Bahrain's government demonstrated a commitment to actively combating Bahrain's human trafficking problem. At the same time, senior Bahraini officials recognize that they need to continue their efforts to change society's attitude toward TIP issues, and to educate officials on how to better address the problem. Building on the enactment of a comprehensive anti-trafficking law in January 2008, the government successfully prosecuted its first case in December 2008. That case resulted in a fine and prison sentence that exceeded minimum sentencing guidelines. The government has also continued to work closely with the International Organization for Migration (IOM), and has committed its own resources to expand IOM's role in training government officials. The government is working with the Suzanne Mubarak Foundation to host an international anti-trafficking conference in March. We should consider recognizing and encouraging the GOB's TIP efforts by moving Bahrain from Tier Two Watch-list to Tier Two. End Summary.

[1](#)2. (U) Post's point of contact for Trafficking in Persons is PolOff Steve Jacob, 973.1724.2834/202.448.5131, ext 2834, fax 973.1727.3011. The preparation of the TIP report cable required an FS-04 to work 45 hours. The responses below are keyed to ref A queries:

[1](#)3. (U) Ref A question 23 - The Country's TIP Situation:

--A. (SBU) Sources of available information on trafficking in persons include host government officials, foreign diplomats, non-governmental organizations, and various newspapers. The Bahrain Journalists Association has applied for a MEPI small grant that will help them train journalists to specialize in reporting on TIP and government actions to combat the phenomenon. These sources vary in their reliability: the host government's information is couched in generalities and lacks hard statistics, many of the foreign diplomats and the non-governmental organizations focus on after-the-fact care for some migrant worker populations, and only English print media regularly carries stories on suspected trafficking cases.

--B. (SBU) Bahrain is a country of destination and possibly transit for internationally trafficked men and women. On rare occasions, minors seeking work have entered the country on falsified documents that disguised their true age. It is unclear whether they sought and obtained those documents, or whether they were provided to them. Trafficking does not occur within the country's borders. The majority of trafficking victims are brought into the country to provide unskilled labor to support the construction and service industries, and to provide domestic labor. Some women are trafficked as prostitutes. There are approximately 520,000 expatriates in the country. Of these, the Indian national population, comprised of approximately 300,000 people, is the largest expatriate group, and by extension the largest

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potential group of victims. Bangladeshi unskilled male laborers account for nearly 98,000 people, while Bangladeshi female laborers account for 2,000. Pakistani nationals comprise the next largest group, with about 75,000 men and women of various skill levels in country. Domestic workers are not covered by labor laws, putting this predominantly female group at particular risk. The majority of domestic workers are Indonesian (30,000), Sri Lankan, Indian, Philippine, Ethiopian, or Eritrean nationals. Many Thai and Philippine nationals work in the service industry, and have been trafficked into prostitution. There are rumors that women from other Arab countries - including Morocco, Jordan, Syria, and Lebanon - as well as China, Russia, Ukraine, and Vietnam have been trafficked into the country for prostitution. There are also reports that male and female Nepalis have been trafficked into the country.

--C. (SBU) Unskilled victims were frequently trafficked into conditions involving poor salaries, long hours, squalid living quarters, physical and/or psychological abuse, and heavy debts to employers and the recruitment agencies. Some victims reported that representatives of recruiting agencies beat them upon arrival. Victims trafficked for prostitution were reportedly restricted to specific floors of some hotels and kept incommunicado for long periods of time. Those migrant workers who were able to leave their places of work were frequently charged as runaways, sentenced to two weeks' detention, and deported.

--D. (SBU) Expatriates from non-Western countries frequently reported that their employers took their passports. Nationals from countries such as Sri Lanka and Ethiopia that do not have local diplomatic or consular representation are at a higher risk of becoming victims of trafficking. The government and most NGOs focus on women as the most likely victims, and all shelters in the country are for women. The government reported that it has a designated shelter for male laborers, however post has been unable to confirm this.

--E. (SBU) The primary traffickers are employment recruitment agencies in both Bahrain and the sending countries. The Interior Ministry's anti-TIP unit reported that it had encountered a number of Chinese and Russian prostitutes that it suspected had been trafficked. The women refused to speak to investigators and were finally jailed, fined, and

deported. The regional U.S. Immigration and Customs Enforcement (ICE) office in Riyadh assessed that this might indicate some Russian Mafia and/or Chinese Triad involvement in trafficking. In general, however, victims are recruited in their home country with lucrative job offers either by an employment agency or a friend in Bahrain, and given legal Bahraini visas upon arrival. In many cases, sponsors sell workers so-called "free" visas, an arrangement under which the Bahraini sponsor ignores his legal obligation to employ the migrant and lets the migrant seek employment with a third party. The workers pay their Bahraini sponsors between 500 and 700 BD (\$1325 and

\$1850) every two years for this arrangement. Workers caught working under the "free visa" arrangement are often charged a 500 BD fine and deported, but most workers post questioned were unaware that the practice was illegal. The authorities

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have deprived some "free visa" sponsors of the right to import new foreign workers. Government regulations stipulate that employers using "free" visa workers should be fined 1000 BD (\$2650), however post has no information on fines actually assessed during the reporting period.

14. (U) Ref A question 24 - Setting the scene for the government's anti-TIP efforts:

--A. (SBU) The government acknowledges that trafficking is a problem in the country, and asserts that it is addressing the problem.

--B. (U) The government's efforts fall into three broad categories:

- (U) The Ministry of Foreign Affairs heads an inter-ministerial committee that coordinates policies designed to combat TIP. Other members of the committee include the Ministries of Interior, Justice and Islamic Affairs, Social Development, and Culture and Information, as well as the Labor Market Regulatory Authority (LMRA), and three NGOs: the Bahrain Human Rights Society (BHRS), Migrant Workers Protection Society (MWPS), and Bahrain Women's Society. (NOTE: The Tourism Directorate is part of the Ministry of Culture and Information. End Note.) This committee meets approximately every other month.

- (U) The Ministry of Social Development heads an inter-ministerial committee that determines the status of victims, determines if victims are to be afforded the opportunity to remain in country, and follows up on victims' welfare. This committee includes representatives from the Ministries of Foreign Affairs, Justice and Islamic Affairs, Interior, and Labor. This committee meets on an ad hoc basis.

- (U) The GOB established a 10-person anti-trafficking in persons unit at the Criminal Investigations Directorate (CID). The anti-TIP unit is comprised of a male commander, and nine female officers, including the executive officer. The unit coordinates closely with CID's Vice Squad and anti-economic crime unit. Both the Embassy and the U.S. Naval Criminal Investigative Service (NCIS) detachment at the Fifth Fleet Headquarters in Bahrain have developed a close working relationship with the anti-TIP unit.

--C. (SBU) With the recent drop in oil prices, the government faces a steep decline in revenues and large budget deficits. The government will have fewer resources available to devote to combating trafficking. More generally, the government often finds it difficult to coordinate activities, and implement and follow up on laws. Many mid- and lower-level officials, and many ordinary Bahrainis, lack understanding and awareness of the trafficking in persons problem.

--D. (SBU) On February 18, the government, in coordination with the International Organization for Migration (IOM), conducted training on a newly installed IOM-developed

database to monitor and collect data on trafficking efforts. In response to the congressionally-mandated U.S. TIP report, the government produced a report on its anti-trafficking

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efforts and a fact-sheet. (NOTE: Post will provide these to G/TIP via e-mail. End Note.)

15. (U) Ref A question 25 - Investigation and Prosecution of Traffickers. The government enacted a comprehensive anti-trafficking law in January 2008. It has not enacted any new legislation since the last TIP report, but did implement new migrant labor requirements for the private sector.

--A. (SBU) On January 9, 2008, Bahrain enacted law number 1 of 2008 with respect to trafficking in persons. The law specifically prohibits trafficking in persons for sexual and non-sexual purposes. The law defines trafficking in persons as "the recruitment, transportation, transfer, harboring, or receiving of persons, by means of threat or the use of force or other forms of coercion, abduction, fraud, deceit, abuse of power or of position or any other direct or indirect unlawful means."

--B. (SBU) The law does not differentiate between purposes of trafficking; however trafficking of women, or persons under the age of 15 are considered aggravating circumstances, as is the transmission of an incurable disease. Any individual convicted of any form of trafficking faces a prison sentence of not less than three years and not more than 15 years, in addition to a fine of not less than BD 2,000 (approximately \$5,300 and not more than BD 10,000 (approximately \$26,500). Sentencing under aggravating circumstances is doubled, and increases the maximum prison sentence to life. Each corporate person convicted of trafficking in the name of, on behalf of, or to the benefit of the chairman, a member of the board of directors, or any other corporate official acting in their corporate capacity faces a fine of not less than BD 10,000 (approximately \$26,500) and not more than BD 100,000 (approximately \$265,000), in addition to the cost of repatriating the victim to their home country. Slavery has been outlawed since 1929.

--C. (SBU) Any person convicted of any form of trafficking faces a prison sentence of not less than three years and not more than 15 years, in addition to a fine of not less than BD 2,000 (approximately \$5,300) and not more than BD 10,000 (approximately \$26,500). Each corporate person convicted of trafficking in the name of, on behalf of, or to the benefit of the chairman, a member of the board of directors, or any other corporate official acting in their corporate capacity faces a fine of not less than BD 10,000 (approximately \$26,500) and not more than BD 100,000 (approximately \$265,000), in addition to the cost of repatriating the victim to their home country. Employers found guilty of imposing forced labor on employees are subject to imprisonment of up to ten years and/or a fine. Court cases against employers were rare because plaintiffs often could not afford legal representation and were frequently barred from other employment.

--C (cont). (SBU) On July 1, new foreign labor regulations took effect for private sector employees that match those that went into effect for government employees on January 1, 12008. These regulations do not yet cover domestic workers, including housemaids and gardeners. Previously, the Ministry

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of Labor issued blank work permits to every registered corporation. These permits, which did not identify a specific laborer, prohibited the employee from seeking other employment without the employer's permission. Under the new regulations, the Ministry of Labor does not issue blank permits to employers, but works with the employer, the job

seeker, and other government agencies to issue a work visa prior to the employee's arrival in country. Upon arrival, the LMRA registers the employee's biographic data to prevent abuse or transfer of the visa. The work visa is transferable to a new employer. In addition, the LMRA charges employers a monthly fee of BD 10 (\$26.50) for each expatriate laborer in order to ensure continual reporting of expatriate labor and to reduce the demand for expatriate labor. According to LMRA rules, this fee should not be passed down to the laborer. Approximately 75 inspectors regularly visit employers to ensure compliance.

--D. (U) Rape of a female is punishable by a sentence of up to ten years in prison, and rape of a male can result in imprisonment of up to seven years unless the male victim is under 17 years of age, in which case the perpetrator can be imprisoned up to ten years. The penalties under the trafficking law are more stringent, entailing both a fine and a prison sentence of between three and 15 years.

--E. (SBU) Bahrain's Public Prosecution reported that Arfa Ching, a Thai national, was convicted on one count of trafficking in persons on December 23 (ref C). The three-judge panel sentenced her to three and a half years' imprisonment and fined her BD 5,000 (\$13,250). Ching's was the first case prosecuted under Bahrain's Law to Combat Trafficking in Persons, enacted in January 2008. According to prosecutors, she brought three Thai women to Bahrain under false pretenses. When they learned she intended to employ them as prostitutes, one of them contacted authorities, who arrested Ching. The sentence exceeded the minimum sentencing guideline of three years' imprisonment and BD 2,000 (\$5,300). Bahraini media did not report on the outcome of the case.

The government has closed several manpower agencies that were alleged to have confiscated workers' passports, switched contracts, or withheld payment of salaries. However, aside from Ms. Ching, it has not prosecuted any employers or labor agents.

--F. (SBU) The government has solicited the assistance of IOM, which was operating under a USG grant, to provide additional training outside of its grant mandate to government, diplomatic, and NGO shelter managers, officials of the Ministry of Interior, and police officers. In October, the anti-trafficking unit invited an NCIS agent to observe and assist in the interview of three suspected trafficking victims. In July, CID invited ICE and NCIS to provide anti-trafficking awareness training to law enforcement officials over a two-day period. The GOB has also helped to fund IOM activities directly pertaining to the USG grant. The Royal Police Academy provides new recruits with a short block of instruction on identifying trafficking victims. The commander of the Academy confirmed to poloff in July that he intends to develop a full-length course for

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incorporation into the regular police training curriculum.

--G. (SBU) Post has no information indicating that the GOB has participated in cooperative international investigations into trafficking cases. The GOB reports that it stands ready to cooperate with international investigations, but has not received any requests to do so.

--H. (SBU) There are no known trafficking-related extradition requests filed with the GOB. Bahrain is party to a number of bilateral extradition treaties and some multinational arrangements, including the Arab Agreement to Combat Trans-Arab Organized Crime and the Arab Agreement to Combat Terrorism.

--I. (SBU) There is no evidence available to post of official government involvement in or tolerance of trafficking. However, in activist and expat labor circles there are widespread rumors of unnamed officials providing Bahrainis

with authorization to sponsor more expatriate workers than they could reasonably employ. Expatriate laborers also report rumors that unnamed government officials in their private capacities, like some other wealthy Bahrainis, have withheld domestic employees' passports and salaries.

--J. (SBU) Post has no information suggesting that government officials have been investigated or prosecuted for trafficking or trafficking-related offenses.

--K. (SBU) Prostitution is illegal and all activities pertaining to prostitution are criminalized.

--L. (SBU) Bahrain did not contribute troops to international peacekeeping efforts.

--M. (SBU) Bahrain does not have an identified child sex tourism industry. There were no reports of Bahrainis involved in child sex tourism, domestically or abroad. The government did not provide information pertaining to any child sexual abuse laws that have extraterritorial coverage.

¶6. (U) Ref A question 26 - Protection and Assistance to Victims.

--A. (SBU) The government offers victims the choice of remaining in country or returning to their home country. During the investigation of Arfa Ching (ref C), the government took the statements of the three victims and offered them the choice between remaining in country or returning home; all three chose to return home.

--B. (U) The government maintains one floor of its shelter for female migrant workers. There were no reports of domestic trafficking victims. There was a report in April 2008 of a Sri Lankan woman who had lied about her age in order to bypass Sri Lankan and Bahraini border controls when she entered the country in 2003, but no reports of child trafficking. The shelter did not respond to posts' queries regarding how many women used the shelter and the care the shelter provided. The government shelter can easily accommodate 90-100 women at one time. The government reports

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that it has a dedicated facility for men but post has been unable to verify the existence or nature of the facility. The Pakistani, Indonesian, Philippines, and Thai embassies all maintain their own shelters. MWPS operates a shelter that is funded via private donations and grants from the Indian and Bahraini governments. The Indian embassy in July agreed to award MWPS a 6,000 BD (\$15,900) annual grant to operate the shelter provided that at least 60 percent of the women were Indian nationals. The GOB awarded MWPS a 3,000 BD (\$7,950) grant to operate the shelter in response to a MWPS grant request. MWPS reported that it failed to submit a renewal application to the GOB within the GOB's stated timeline, so this grant will not be renewed this summer.

--C. (U) The government provides possible trafficking victims who seek aid at the shelter with legal, medical, and psychological services. The government coordinates psychological care with the Batelco Care Center for Victims of Domestic Violence (Batelco Shelter) and all other services are provided at the government shelter.

--D. (U) The 2008 comprehensive anti-trafficking law requires the committee led by the Ministry of Social Development to examine each trafficking case and determine if victims should be allowed to continue working in Bahrain with a different sponsor. The law also requires the committee to reexamine the case every six months. In the only prosecuted TIP case (ref C), the committee offered the victims the opportunity to remain in Bahrain and work with a different sponsor, but they chose to return home.



--E. (U) The government does not provide long-term shelter or housing benefits to victims.

--F. (U) The government does not have a referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care. MWPS reports that many police stations tell MWPS to keep the worker, and alleges that many police officers are unaware of the government-run shelter. In some cases, police officers have allegedly refused to grant MWPS access to possible trafficking victims.

--G. (U) The government identified three trafficking victims during the reporting period. MWPS reported that 88 housemaids used its shelter in 2008 and over 350 since its inception in 2005. The government did not provide any data on how many people used its facilities during the reporting period. No other hard numbers were available. Lack of statistics, disputes over what constitutes trafficking, and a general lack of understanding of trafficking make estimating the prevalence of the problem nearly impossible. The anti-trafficking unit claimed it broke up a prostitution ring of 43 Chinese women that it believed were victims of trafficking, however, according to the anti-trafficking unit, prosecutors did not believe they had sufficient evidence to pursue trafficking charges. The print media regularly carries reports of contract substitution, physical and emotional abuse, and confiscation of passports.

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--H. (U) There is no formal system to proactively identify victims of trafficking.

--I. (SBU) Possible trafficking victims are often jailed for their illegal activity. A senior Public Prosecutor told poloff that he believed that women who knew that they were coming to Bahrain to be prostitutes could not be trafficking victims, regardless of their circumstances upon arrival. Workers who have violated the status of their admission to Bahrain by leaving their employers are frequently jailed for two weeks and then deported. Other workers who have overstayed their visas illegally are often jailed and fined before they may leave the country. A January press report said that a 16 year-old Syrian girl and her husband had legally entered Bahrain and the husband subsequently forced the girl into prostitution. The girl called the police, who arrested both her and her husband, and charged them with prostitution-related crimes. When the Ministry of Foreign Affairs learned of the case, it worked with the Ministry of Justice to secure the girl's release and return to Syria. The man was convicted and sentenced to one year in jail under anti-prostitution laws. He remains in custody.

--J. (SBU) The anti-trafficking unit encourages victims to assist in the investigation and prosecution of traffickers as evidenced by the three victims who gave statements in the Arfa Ching case (ref C). Victims who are material witnesses in court cases against former employers have been given the option to stay, although none have chosen to do so. Victims who attempt to pursue civil suits against their employers have not been permitted to try and obtain other employment, although post has received no reports of victims attempting to do so since the new LMRA regulations went into effect July 1.

--K. (U) Post is unaware of any specialized training for government officials in identifying trafficking victims beyond that described in para 5F. There have been no reports of Bahraini victims of trafficking abroad.

--L. (U) There have been no reports of Bahraini victims of trafficking abroad.

--M. (U) IOM is the only international NGO involved with TIP

in Bahrain. There were no reports of IOM's direct involvement with trafficking victims during the reporting period.

17. (U) Ref A question 27 - Prevention.

--A. (U) The anti-trafficking unit produced brochures on the trafficking law and distributed them to at-risk groups upon arrival in the country. The LMRA worked with IOM to produce pamphlets that explained how to legally obtain a work visa, workers' rights, and provided contact details to report suspected violations. The CEO of the LMRA and the Minister of Labor conducted press conferences that attempted to highlight some of the illegal practices that relate to trafficking in persons. MWPS reports that although these campaigns have helped raise awareness, many people, including

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clerks at the courthouse, continue to believe that it is legal to confiscate workers' passports. The GOB began a major informational campaign in advance of its hosting an international human trafficking conference March 1-3. The Supreme Council for Women, headed by the wife of King Hamad, will host the conference in partnership with the Suzanne Mubarak Foundation.

--B. (U) There were no reports that the government monitors immigration and emigration patterns for evidence of trafficking, nor that law enforcement agencies screen border entry points.

--C. (U) The Ministry of Foreign Affairs heads an inter-ministerial trafficking in persons committee. For a more in-depth look at the committee, see para 4B. In addition, the government has just installed a multi-agency database developed by IOM. Training on the database will begin on February 18.

--D. (U) The government has not released any information pertaining to a national plan of action to address trafficking in persons.

--E. (U) The government regularly raids brothels and arrests both prostitutes and customers. The national religion, Islam, strictly prohibits commercial sex acts.

--F. (U) The national religion, Islam, strictly prohibits the sexual exploitation of children. The government denies allegations that its nationals may be involved in international child sex tourism.

18. (U) Ref A question 28 - Heroes. Post believes that the men and women of the MWPS are the everyday heroes in the fight against trafficking in Bahrain. There are 38 registered members of the society, of whom perhaps 15 regularly dedicate their free time to ease the pain of trafficking victims and abused migrant workers. Not one member of this organization has any formal training in social work. Last year, post successfully nominated Marietta Dias as a TIP Heroine, but Marietta would have been unsuccessful without the rest of the MWPS. This organization operates in a legal gray area as a humanitarian organization that advocates for better treatment while trying to avoid political advocacy that could turn the government against them. MWPS volunteers sit on the inter-ministerial committees, take migrants to various ministries, liaise with foreign government embassies, and solicit funds to help repatriate workers.

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